

## MDCR Responsibilities

- Offer the claimant the opportunity to participate in mediation
- Explain the mediation option to all parties as needed
- Refer interested parties to mediation
- Monitor referral status to ensure timely processing by mediators
- Answer technical questions posed by the parties or the mediator

## Claimant Responsibilities

- Learn and consider the advantages of mediation
- Be prepared to discuss the complaint with the respondent
- Be prepared to present and consider reasonable resolution options
- Keep an open mind

## Respondent Responsibilities

- Learn and consider the advantages of mediation
- Be prepared to discuss the complaint with the claimant
- Be prepared to present and consider reasonable resolution options
- Keep an open mind
- The representative attending the mediation should have the authority to make resolution decisions at the mediation

**For additional information about MDCR and the mediation option you may:**

View MDCR's web page at  
<http://www.michigan.gov/mdcr>

or telephone MDCR at  
1-800-482-3604  
TTY 1-877-878-8464

Your call will be routed to the  
office nearest you.

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# Mediation Option



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## What is Mediation?

Mediation is a form of alternative dispute resolution offered by the Michigan Department of Civil Rights (MDCR) as an option in the complaint resolution process.

Mediation is an informal process in which opposing parties may negotiate a voluntary resolution of their dispute with the help of a neutral person (mediator).

The decision to mediate is completely voluntary for both the claimant and the respondent and must be agreed to by both parties.

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### Mediation Allows the Parties to:

- Discuss the issues raised in the complaint in a neutral environment
- Clear up misunderstandings
- Discuss underlying interests or concerns
- Find areas of agreement
- Incorporate areas of agreement into resolutions

A mediator does not resolve the issues or impose a decision on the parties, but helps the parties to agree on a mutually acceptable resolution.

The mediation process is strictly confidential. Information revealed during mediation is not disclosed by the mediator.

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## Advantages of Mediation:

- Mediation is efficient. It saves time and money. The majority of mediations are completed in one session, usually lasting from one to three hours.
- Mediation is impartial. Mediators have no stake in the outcome. Their role is to facilitate the resolution of the complaint.
- Mediation is confidential. The sessions are not recorded, and all notes taken by the mediator are destroyed.
- Resolution agreements reached during mediation do not constitute an admission of any violation of laws administered by MDCR.
- Resolution agreements are voluntary, and represent the best interests of both parties, as mutually agreed.
- Mediation may avoid lengthy and costly litigation.

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## How Does MDCR's Mediation Option Work?

- An MDCR representative may offer the claimant and respondent the opportunity to participate in mediation.
- If the claimant and respondent agree to participate in mediation, the complaint is scheduled for mediation.
- The parties may elect to have additional representation, such as a private attorney, present during the mediation. However, having such representation is not required, since mediators are trained to equalize the proceedings to promote fair and balanced discussion.
- If the complaint is resolved, an agreement describing the terms is drafted and signed by the parties. A request for withdrawal of the complaint is signed by the claimant so the civil rights complaint(s) can be closed.
- If either party declines to participate, or if the complaint is not resolved during mediation, the complaint is returned to the investigation process.
- following the mediation attempt, the parties may continue to make suggestions for resolution of the complaint throughout the complaint resolution process.